

HOLDEN WILLITS PLC

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Attorneys for Defendant MAV Nutrition, LLC

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Charles Gulden, an individual,

Plaintiff,

v.

MAV Nutrition, LLC, a Florida limited
liability company,

Defendant.

NOTICE OF REMOVAL

Case No.:

Defendant MAV Nutrition, LLC (“Defendant”) submits this Notice of Removal pursuant to 28 U.S.C. § 1446(a) and provides the following grounds for removal.

1. This matter was commenced by Plaintiff Charles Gulden (“Plaintiff”) in Yuma Justice Court on February 22, 2022 with the filing of a Complaint against Defendant.

2. The Complaint and Summons were served on Defendant via certified mail on March 1, 2022.

3. The Complaint and Summons constitute all process and proceedings filed and served on Defendant in this case, copies of which are attached hereto as Exhibit “A”.

1 Pursuant to L. R. Civ. 3.6(b), the undersigned verifies that the Summons and Complaint
2 are the only pleadings or other documents filed in the state court proceeding, and that the
3 copies attached hereto as Exhibit “A” are true and complete copies thereof.

4
5 4. Pursuant to L. R. Civ. 3.6(b), a copy of the docket in the state court
6 proceeding is attached hereto as “Exhibit B.”

7
8 5. Plaintiff alleges a single cause of action against Defendant for the alleged
9 violation of 47 U.S.C. § 227 the Telephone Consumer Protection Act (“TCPA”). [See
10 Complaint, Ex. A.]

11 6. Plaintiff’s single cause of action for an alleged violation of the TCPA raises
12 a federal question, entitling Defendant to remove the action to federal court. *See* 28
13 U.S.C. § 1441(a).

14
15 7. Defendant has not pled, answered, or otherwise appeared in the Arizona
16 justice court action.

17
18 8. Defendant filed this Notice within 30 days after its receipt of the initial
19 pleading setting forth the claim for relief upon which the action is based, and within one
20 year after the commencement of the action. Removal is therefore timely pursuant to 28
21 U.S.C. § 1446(b).

22
23 9. A copy of this Notice is being filed with the Clerk of the Yuma County
24 Justice Court of the State of Arizona.

25 WHEREFORE, Defendant MAV Nutrition, LLC respectfully requests that this
26 action be removed from the Yuma County Justice Court of the State of Arizona to the
27 United States District Court for the District of Arizona, and that further proceedings in
28

1 the Yuma County Justice Court regarding the action be stayed pursuant to 28 U.S.C. §
2 1446.

3
4 DATED this 29th day of March, 2022.

5
6 HOLDEN WILLITS PLC

7 By /s/ Nelson A. F. Mixon
8 Nelson A. F. Mixon

9 Attorneys for Defendant MAV Nutrition, LLC
10

11
12 **CERTIFICATE OF SERVICE**

13 I hereby certify that on March 29, 2022, I sent via U.S. Mail and Electronic Mail
14 the Notice of Removal to Federal Court to the following:

15 Charles A. Gulden
16 11802 East 28th Place
17 Yuma, Arizona 85367
18 chasinyuma@hotmail.com
19 Plaintiff

20 /s/ Valerie Corral
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